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Attorneys for Creditor HOEM AND ASSOCIATES INC.

UNITED STATES BANKRUPTCY COURT
NORTHER DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re

PG&E CORPORATION

and

**PACIFIC GAS AND ELECTRIC
COMPANY,**

Debtors.

Bankruptcy Cases:
19-30088-DM (Lead Case)
19-30089-DM

(Jointly Administered)

NOTICE OF CONTINUED PERFECTION OF
MECHANIC'S LIEN AND INTENTION TO
ENFORCE MECHANIC'S LIEN PURSUANT
TO 11 U.S.C. §546(b)(2)

1. HOEM AND ASSOCIATES INC. by and through its undersigned counsel, gives notice of continued perfection of its mechanic's lien and intention to enforce mechanic's lien pursuant to 11 U.S.C. §645(b)(2) as follows:
2. Prior to Debtor's Bankruptcy Petition, HOEM AND ASSOCIATES INC., as subcontractor, entered into a contract with Turner Construction Company, as general contractor, to provide labor, services, equipment, and/or materials for a work of improvement on the real property located at 4940 Allison Parkway, Vacaville, County of Solana, State of California, 95688, identified as 32075 PG&E VCOV GRID SUPPORT BLDG 4, with an assessor's

FILED

JUN 19 2019

UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

1 parcel number of 0133-330-300 (the "Property") owned by the Debtors PG&E, or Pacific
2 Gas and Electric Company.

3 3. The principal sum, exclusive of interest, attorney's fees and costs, and other charges, that is
4 currently due and owing to HOEM AND ASSOCIATES INC. is \$17,521.40.

5 4. A mechanic's lien claimant who provided labor and materials prepetition to a debtor in
6 bankruptcy can record a mechanic's lien after the debtor property owner files for
7 bankruptcy without violating the automatic stay. 11 U.S.C. §362(b)(2).

8 5. On June 14, 2019, HOEM AND ASSOCIATES INC. perfected its Mechanic's Lien under
9 California Code §§8400, et seq. by timely recording its Mechanic's Lien in the Official
10 Records of Solano County, State of California, as more fully described in its Mechanic's
11 Lien, a true and correct copy of which is attached hereto as Exhibit A and incorporated
12 herein by reference.

13 6. Under California Civil Code §8460, a mechanic's lien claimant must commence an action
14 to enforce a lien within 90 days after recordation of the claim of lien.

15 7. The automatic stay pursuant to 11 U.S.C. §362 precludes HOEM AND ASSOCIATES
16 INC. from filing a state court action to enforce its Mechanic's Lien. However, Bankruptcy
17 Code §546(b)(2) states that when applicable law requires seizure of property or
18 commencement of an action to perfect, maintain, or continue the perfection of an interest in
19 property, and the property has not been seized or an action has not been commenced before
20 the bankruptcy petition date, then the claimant shall instead give notice within the time
21 fixed by law for seizing the property or commencing the action. *See In re Baldwin*
22 *Builders* 232 B.R. 406, 410-411.

23 8. Accordingly, HOEM AND ASSOCIATES INC. hereby provides notice of its rights as
24 perfected lienholder and continued intention to enforce the lien on the Property pursuant to
25 California's mechanic's lien law. HOEM AND ASSOCIATES INC. is filing and serving
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1 this notice to preserve, perfect, maintain, and continue the perfection of its lien and its
2 rights in the Property to comply with the requirements of California state law, 11 U.S.C.
3 362(a), 362(b)(3), and 546(b)(2) and any other applicable law.

- 4 9. This notice constitutes the legal equivalent of having timely commenced an action for
5 foreclosure the Mechanic's Lien in the proper court. By this notice, the Debtors and other
6 parties in interest are estopped from claiming that the lawsuit to enforce HOEM AND
7 ASSOCIATES INC.'s Mechanic's Lien was not timely commenced pursuant to applicable
8 state law. HOEM AND ASSOCIATES INC. intends to enforce its rights under the
9 Mechanic's Lien to the fullest extent allowed under the law.
10
11 10. HOEM AND ASSOCIATES INC. requests that it be provided notice upon the lifting of the
12 automatic stay pursuant to 11 U.S.C. §362.

13 Dated: 6/18/19

POLLAK LAW, LLP

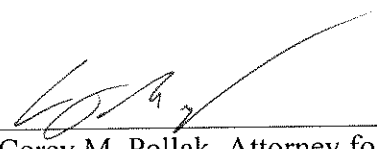
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16 _____
17 Corey M. Pollak, Attorney for Creditor
18 HOEM AND ASSOCIATES INC.
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EXHIBIT A

RECORDING REQUESTED BY:

Corey M. Pollak, Esq.

WHEN RECORDED MAIL TO:

Corey M. Pollak, Esq.

700 El Camino Real, Suite 201

Millbrae, CA 94030

Recorded in Official Records,
Solano County
Doc#: 201900037607
6/14/2019 8:16:53 AM

THIS SPACE FOR RECORDER'S USE ONLY

APN: 0133-330-300

Mechanics Lien

TITLE OF DOCUMENT

Real property at:
4940 Allison Parkway
Vacaville, CA 95688

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(Additional Recording Fee Applies)
(Govt. Code 27361.6)

cover sheet recorders.doc

**Recording Requested By And
When Recorded Return To:**

Corey M. Pollak, Esq.
POLLAK LAW, LLP
700 El Camino Real, Suite 201
Millbrae, CA 94030
Telephone: 650-583-5500

MECHANICS LIEN

Claimant HOEM & ASSOCIATES INC., whose address is 951 Linden Ave., South San Francisco, Ca 94080, claims a Mechanics Lien on the real property, including works of improvement located thereon, street address described as 4940 Allison Parkway, Vacaville, CA 95688, project name described as 32075 PG&E VCOC GRID SUPPORT BLDG 4, and APN: 0133-330-300 (the "Subject Real Property").

Claimant claims a Mechanics Lien for the sum of Seventeen Thousand Five Hundred Twenty One Dollars and Forty Cents (\$17,521.40), plus interest at the applicable rate from the applicable due dates, all of which is due and unpaid to Claimant after deducting all just credits and offsets for labor, equipment, and materials furnished by Claimant at the request of, and under contract with Contractor(s) and/or Reputed Contractor(s) TURNER CONSTRUCTION COMPANY whose address is below, and consisting of labor, services, equipment, and/or materials for floor covering and ancillary services for the Subject Real Property site improvements, building, and structure, and other related work described in the Subcontract Agreement and done on, and for the benefit of, the Subject Real Property. The reasonable value of Claimant's work on the Subject Real Property is the sum of Ninety Four Thousand Six Hundred Seventy Three Dollars and Zero Cents (\$94,673.00); Claimant has been paid the sum of Seventy Seven Thousand One Hundred Fifty One Dollars and Sixty Cents (\$77,151.60); Claimant is owed the sum of Seventeen Thousand Five Hundred Twenty One Dollars and Forty Cents (\$17,521.40).

The Owner(s) and/or Reputed Owner(s) of the Subject Real Property is/are:

PACIFIC GAS AND ELECTRIC COMPANY
245 Market Street, San Francisco, CA 94111

77 Beale Street, 24th Floor, San Francisco, CA 94105

Agent for Service of Process: Linda Y.H. Cheng
77 Beale Street, 24th Floor, San Francisco, CA 94105

The Direct Contractor(s) and/or Reputed Direct Contractor(s) of the Subject Property is/are:

TURNER CONTRACTING CORPORATION

1211 H Street, Sacramento, CA 95814

375 Hudson Street, 6th Floor, New York, NY 10014


Agent for Service of Process: CT Corporation System
818 West Seventh Street, Suite 930, Los Angeles, CA 90017

The Construction Lender(s) and/or Reputed Construction Lender(s) of the Subject Real Property is/are:

N/A, Owner Financed

Dated: June 12, 2019

Hoem and Associates Inc.

By: 
Name: Russ Hoem
Title: CFO

NOTICE OF MECHANICS LIEN: ATTENTION!

Upon the recording of the enclosed **MECHANICS LIEN** with the county recorder's office of the county where the property is located, your property is subject to the filing of a legal action seeking a court-ordered foreclosure sale of the real property on which the lien has been recorded. That legal action must be filed with the court no later than 90 days after the date the mechanics lien is recorded.

The party identified in the enclosed mechanics lien may have provided labor or materials for improvements to your property and may not have been paid for these items. You are receiving this notice because it is a required step in filing a mechanics lien foreclosure action against your property. The foreclosure action will seek a sale of your property in order to pay for unpaid labor, materials, or improvements provided to your property. This may affect your ability to borrow against, refinance, or sell the property until the mechanics lien is released.

BECAUSE THE LIEN AFFECTS YOUR PROPERTY, YOU MAY WISH TO SPEAK WITH YOUR CONTRACTOR IMMEDIATELY, OR CONTACT AN ATTORNEY, OR FOR MORE INFORMATION ON MECHANICS LIENS GO TO THE CONTRACTORS' STATE LICENSE BOARD WEB SITE AT www.cslb.ca.gov.

VERIFICATION

I, Russ Hoem, declare that I am Treasurer of Hoem and Associates Inc., the claimant herein, and that I am authorized to make this verification for and on behalf of said claimant, and I make this verification for that reason. I have read the MECHANICS LIEN and know the contents thereof, and the same is true and contains among other things, a correct statement of the demands of Claimant, after deducting all just credits and offsets. I declare under penalty of perjury that the forgoing is true and correct and that this Declaration was executed on June 12, 2019 at South San Francisco, California.

Hoem and Associates Inc.

By: 

Name: Russ Hoem

Title: CFO

//notary acknowledgment form on following page//

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Mateo

On June 12, 2019 before me, Katherine M. Zurawski; Notary Public
(insert name and title of the officer)

personally appeared Russ Hloom
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he she they executed the same in his her their authorized capacity(ies), and that by his her their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

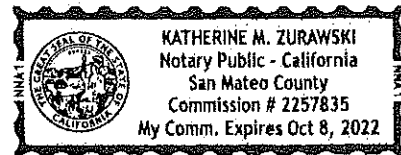
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Katherine M. Zurawski
Notary Public

(Seal)



PROOF OF SERVICE AFFIDAVIT
California Civil Code §8416

I, Editha C. Restauero, declare that I am employed with the Pollak Law, LLP, whose address is 700 El Camino Real, Suite 201, Millbrae, CA 94030; I am not a party to the within cause; I am over the age of eighteen years and am familiar with the business practices of the Pollak Law, LLP.

I further declare that on the date hereof I served a copy of the attached MECHANICS LIEN and NOTICE OF MECHANIC'S LIEN, certified mail and first-class mail, evidenced by a certificate of mailing, postage prepaid, addressed to the following party(ies), as listed below:

The Owner(s) and/or Reputed Owner(s) of the Subject Real Property is/are:

PACIFIC GAS AND ELECTRIC COMPANY

245 Market Street, San Francisco, CA 94111

77 Beale Street, 24th Floor, San Francisco, CA 94105

Agent for Service of Process: Linda Y.H. Cheng

77 Beale Street, 24th Floor, San Francisco, CA 94105

The Direct Contractor(s) and/or Reputed Direct Contractor(s) of the Subject Property is/are:

TURNER CONTRACTING CORPORATION

1211 H Street, Sacramento, CA 95814

375 Hudson Street, 6th Floor, New York, NY 10014

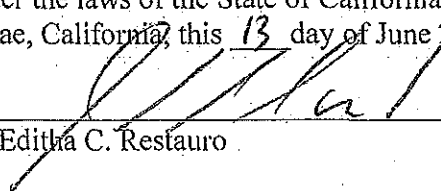
Agent for Service of Process: CT Corporation System

818 West Seventh Street, Suite 930, Los Angeles, CA 90017

The Construction Lender(s) and/or Reputed Construction Lender(s) of the Subject Real Property is/are:

N/A, Owner Financed

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed at Millbrae, California, this 13 day of June 2019.



Editha C. Restauero

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1 Turner Contracting Corporation
1211 H Street
2 Sacramento, CA 95814

3 Turner Contracting Corporation
375 Hudson Street, 6th Floor
4 New York, NY 10014

5 Turner Contracting Corporation
Agent for Service of Process: CT Corporation System
6 818 West Seventh Street, Suite 930
Los Angeles, CA 90017
7

8 I declare under penalty of perjury under the laws of the State of California that the above is true and
9 correct. Executed on June 18, 2019, at Millbrae, California.

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12 Editha C. Restauero
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